



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/767,586	01/29/2004	Timo K. Miettinen	042933/272475	7420

826 7590 04/09/2007

ALSTON & BIRD LLP
BANK OF AMERICA PLAZA
101 SOUTH TRYON STREET, SUITE 4000
CHARLOTTE, NC 28280-4000

EXAMINER

PHUONG, DAI

ART UNIT

PAPER NUMBER

2617

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/09/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/767,586

Applicant(s)

MIETTINEN, TIMO K.

Examiner

Dai A. Phuong

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23, 25, 27 and 29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23, 25, 27 and 29 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. Applicant's arguments, filed 01/03/2007, with respect to claims have been considered but are moot in view of the new ground(s) of rejection. Claims 24, 26 and 28 have been canceled. Claims 1-23, 25, 27 and 29 are currently pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, 9-12 and 17-20, 25, 27 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda (Pub. No: 20020116268) in view of Gargiulo et al. (Pub. No: 20020087656).

Regarding claim 1, Fukuda discloses a terminal 12 for interacting with a service provider 15 for accessing a remote service (fig. 1, [0032] to [0036]), the terminal comprising: a controller 45 and/or 51 configure for actively operating an application, wherein the controller is configure for receiving information from a RF transponder tag 11 and/or 16 or a device adapter to operate as a RF transponder tag at least partially over an air interface (fig. 1 and fig. 2, [0032] to [0087]), wherein the information includes information relating to a service type representing a service offered by the service provider (fig. 1 and fig. 2, [0032] to [0087]), wherein the controller 45 and/or 51 is configure for contacting the service provider 15, for accessing the service, and

Art Unit: 2617

thereafter performing a predefined action based upon the information relating to the service type, the application actively operating on the terminal and a current state of the application when the controller receives the information, and wherein the controller is configured for alternately performing a first predefined action when the terminal is actively operating an application in a state of receiving data (fig. 1 and fig. 2, [0032] to [0087]).

However, Fukuda does not disclose performing a second, different predefined action when the terminal is actively operating an application in a state of presenting data, the application being in a state of either receiving data or presenting data when the controller receives the information.

In the same field of endeavor, Gargiulo et al. disclose performing a second, different predefined action when the terminal is actively operating an application in a state of presenting data, the application being in a state of either receiving data or presenting data when the controller receives the information (fig. 5, [0160] to [0180]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the information provision system and information provision method of Fukuda by specifically including disclose performing a second, different predefined action when the terminal is actively operating an application in a state of presenting data, the application being in a state of either receiving data or presenting data when the controller receives the information, as taught by Gargiulo et al., the motivation being in order to allow a consumer preview the multimedia content and either approve or decline being for said particular multimedia message content.

Regarding claim 2, the combination of Fukuda and Gargiulo et al. disclose all the limitations in claim 1. Further, Fukuda discloses a terminal wherein the first predefine action comprise receiving data from the service into an actively operating application (fig. 1 and fig. 2, [0032] to [0087]).

Regarding claim 3, the combination of Fukuda and Gargiulo et al. disclose all the limitations in claim 1. Further, Gargiulo et al. disclose a terminal wherein the second predefine action comprises sending data to the service, the data sent to the service comprising the data present by the application (fig. 5, [0160] to [0180]).

Regarding claim 4, the combination of Fukuda and Gargiulo et al. disclose all the limitations in claim 1. Further, Fukuda discloses the terminal information relating to the service type includes a service locator representing a location of the service represented by the service type, and wherein the controller is configure for accessing the service based upon the service locator (fig. 1 and fig. 2, [0032] to [0087]).

Regarding claim 9, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 10, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 11, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 12, this claim is rejected for the same reason as set forth in claim 4.

Regarding claim 17, this claim is rejected for the same reason as set forth in claim 1.

Regarding claim 18, this claim is rejected for the same reason as set forth in claim 2.

Regarding claim 19, this claim is rejected for the same reason as set forth in claim 3.

Regarding claim 20, this claim is rejected for the same reason as set forth in claim 4.

Regarding claims 25, 27 and 29, the combination of Fukuda and Gargiulo et al. disclose all the limitations in claim 1. Further, Fukuda discloses the terminal wherein the first predefined action comprises receiving data from the service into the actively operating application, and the second predefined action comprises sending data presented by the actively operating application to the service (fig. 1 and fig. 2, [0032] to [0087]).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-8, 13-16 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukuda (Pub. No: 20020116268) in view of Gargiulo et al. (Pub. No: 20020087656) and further in view of Miyaji (Pub. No: 20050125561).

Regarding claim 5, the combination of Fukuda and Gargiulo et al. disclose all the limitations in claim 1. However, the combination of Fukuda and Gargiulo et al. disclose do not disclose a terminal wherein the controller is further configure for selecting a signaling tag before receiving information regarding the signaling tag, wherein the signaling tag comprises a Radio Frequency Identification (RFID) transponder tag

In the same field of endeavor, Miyaji discloses a terminal according to claim 1, wherein the controller is further configure for selecting a signaling tag before receiving information regarding the signaling tag, wherein the signaling tag comprises a Radio Frequency Identification (RFID) transponder tag ([0043]. Obviously, the system includes the necessary

software, hardware, firmware or a combination thereof to accomplish the stated task or functionality).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the portable information terminal of the combination of Fukuda and Gargiulo et al. disclose by specifically including terminal wherein the controller is further configure for selecting a signaling tag before receiving information regarding the signaling tag, wherein the signaling tag comprises a Radio Frequency Identification (RFID) transponder tag, as taught by Miyaji, the motivation being in order to transmit the application to the plurality of communication devices via the local-area communications network from the single communication device having received transmission of the application.

Regarding claim 6, the combination of Fukuda, Gargiulo et al. and Miyaji disclose all the limitations in claim 5. Furthermore, Miyaji discloses a terminal wherein the controller is configure for sending an interrogation signal to the RFID transponder tag, and wherein the controller is configure for receiving information from the RFID transponder tag in response to the interrogation signal (fig. 1 and fig. 2, [0032] to [0087]).

Regarding claim 7, the combination of Fukuda, Gargiulo et al. and Miyaji disclose all the limitations in claim 5. Further, Fukuda discloses the terminal wherein the controller is configure for sending at least one interrogation signal to the RFID transponder tag, wherein each interrogation signal is associated with a different service type, and wherein the controller is also configure for receiving a response from the RFID transponder tag to one of the at least one interrogation signal that triggers the response, and thereafter identifying a service type based upon the interrogation signal that triggers the response (fig. 1 and fig. 2, [0032] to [0087]).

Regarding claim 8, the combination of Fukuda, Gargiulo et al. and Miyaji disclose all the limitations in claim 5. Furthermore, Miyaji discloses a terminal wherein the controller is configured for selecting a signaling tag by passing the terminal within a predefined distance of a signaling tag ([0047]. Obviously, the system includes the necessary software, hardware, firmware or a combination thereof to accomplish the stated task or functionality).

Regarding claim 13, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 14, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 15, this claim is rejected for the same reason as set forth in claim 7.

Regarding claim 16, this claim is rejected for the same reason as set forth in claim 8.

Regarding claim 21, this claim is rejected for the same reason as set forth in claim 5.

Regarding claim 22, this claim is rejected for the same reason as set forth in claim 6.

Regarding claim 23, this claim is rejected for the same reason as set forth in claim 7.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dai A Phuong whose telephone number is 571-272-7896. The examiner can normally be reached on Monday to Friday, 9:00 A.M. to 5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nguyen M Duc can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-7503.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Dai Phuong
AU: 2617
Date: 03/09/07

Application/Control Number: 10/767,586

Page 8

Art Unit: 2617



DUC M. NGUYEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600